

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

SHULI CHIU and AMANDA KIM,  
Derivatively on behalf of OVASCIENCE,  
INC.,

Plaintiffs,

vs.

MICHELLE DIPP, RICHARD ALDRICH,  
JEFFREY D. CAPELLO, MARY FISHER,  
JOHN HOWE, III, MARC KOZIN, and  
JOHN SEXTON,

Defendants,  
and

OVASCIENCE, INC., a Delaware  
corporation,

Nominal Defendant.

Civil Action No: 1:17-cv-11382-IT

**JOINT STATUS REPORT AND REQUEST FOR STAY  
IN CONNECTION WITH SETTLEMENT**

Plaintiffs Shuli Chiu and Amanda Kim, derivatively on behalf of OvaScience, Inc. and Defendants Michelle Dipp, Richard Aldrich, Jeffrey D. Capello, Mary Fisher, John Howe, III, Marc Kozin, and John Sexton, and Nominal Defendant OvaScience, Inc. (together the “Parties”) respectfully file this Joint Status Report with the Court, and simultaneously request a 90-day stay pending settlement. As grounds for this Joint Request, the Parties state as follows:

1. Subject to Court approval, the parties have reached an agreement to settle the above captioned action as well as a related matter, *Cima v. OvaScience Inc., et al.*, No. 2016-344-BLS1, which is currently pending in the Business Litigation Section of Suffolk County Superior Court in the Commonwealth of Massachusetts. The parties currently are finalizing settlement

documentation.

2. Subject to this Court's approval, the Parties anticipate presenting the settlement for state court approval and then, if final settlement approval is granted by the state court, filing a stipulation of dismissal with prejudice of this action. The reason for proceeding first in the state court is that the court issued a nisi order that will expire on February 27, 2023, and has declined to extend the time further. A copy of the order is attached hereto as Ex. 1.

3. As a result, the Parties respectfully request that this Court stay the above captioned matter for 90 days to allow the parties to finalize the documents and effectuate the settlement.

4. Counsel for Defendants and counsel for Plaintiffs have conferred with respect to this request, and counsel for the Plaintiffs have joined this motion.

5. The requested 90-day stay is in the interest of justice because, (a) the requested stay is brief, and (b) the requested additional time will permit the Parties the time necessary to finalize the details of the settlement, make a motion in the state court for preliminary approval of the settlement and if said preliminary approval is granted, give notice to the affected stockholders of the proposed settlement, make a motion for final settlement approval, have a hearing as to final approval and then file the stipulation of dismissal with this Court.

WHEREFORE, for the above-stated reasons, the Parties respectfully request that the Court allow this Joint Request.

**Local Rule 7.1(a)(2) Certification**

Undersigned counsel hereby certifies that the Parties have conferred in good faith pursuant to Local Rule 7.1(a)(2) regarding the issues raised in this Request, and counsel for Plaintiffs have joined the Request.

Respectfully submitted,

OVASCIENCE, INC., MICHELLE DIPP,

RICHARD ALDRICH, JEFFREY D. CAPELLO,  
MARY FISHER, JOHN HOWE, III, MARC  
KOZIN, and JOHN SEXTON,

By their attorneys,

/s/ John F. Sylvia

John F. Sylvia, BBO#555581  
Matthew D. Levitt, BBO#660554  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
One Financial Center  
Boston, MA 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
[JFSylvia@mintz.com](mailto:JFSylvia@mintz.com)  
[MDLevitt@mintz.com](mailto:MDLevitt@mintz.com)  
[RLZeidel@mintz.com](mailto:RLZeidel@mintz.com)

SHULI CHIU and AMANDA KIM, Derivatively  
on behalf of OVASCIENCE, INC.,

By their attorneys,

/s/ Thomas J. McKenna

Thomas J. McKenna  
Gainey McKenna & Egleston  
501 Fifth Avenue, 19<sup>th</sup> Floor  
NY, New York 10017  
[tjmckenna@gme-law.com](mailto:tjmckenna@gme-law.com)

Steven F. Smoot  
Smoot & Associates, PC  
101 Arch Street, 9<sup>th</sup> Floor  
Boston, MA 02110  
[smoot@smootlaw.com](mailto:smoot@smootlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2023, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

*/s/ John F. Sylvia* \_\_\_\_\_  
John F. Sylvia